

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA, ) Criminal No. 23-205 (KMM/LIB)  
                                )  
v.                            Plaintiff, )  
                                )  
MARK ALLEN ISHAM,         ) **MARK ISHAM'S MOTION TO**  
                                ) **CONTINUE THE SENTENCING**  
                                ) **DATE**  
                            Defendant. )

Mark Isham, by and through his undersigned attorney, respectfully moves the Court for a continuance of the currently scheduled sentencing date of October 8, 2024, on the following grounds.

Counsel for Mr. Isham is currently scheduled to be in trial on October 8, 2024, in the *United States v. Derrick Thompson*, 23-CR-358 (JMB/TNL).

Additionally, as the Court is aware the United States Sentencing Commission has recently proposed a new amendment to the sentencing guidelines addressing the use of acquitted conduct in calculating sentencing guidelines. Absent congressional action rejecting the proposed amendment, the new guideline will go into effect on November 1, 2024. The amendment to section 1B1.3 is directly relevant to Mr. Isham. He was acquitted on Count 1, use of a dangerous weapon. Nevertheless, the preliminary PSR has applied the dangerous weapon enhancement.

The Government does not object to the continuance.

For the above reasons, counsel respectfully requests that the current sentencing hearing date be continued to a date after November 1, 2024. Additionally, counsel requests

the due date for position pleadings be set for two weeks prior to the sentencing hearing date.

Dated: August 14, 2024.

Respectfully submitted,

*s/ Aaron J. Morrison*

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AARON MORRISON  
Attorney ID No. 0341241  
Attorney for Mr. Isham  
107 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415